

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARLOS A. HAWTHORNE,

Plaintiff,

v.

A YANEZ, et al.,

Defendants.

Case No. [17-cv-04960-HSG](#)

**ORDER DENYING FIFTH REQUEST  
FOR LEAVE TO FILE A SECOND  
AMENDED COMPLAINT**


Re: Dkt. No. 77

Plaintiff, an inmate at San Quentin State Prison ("SQSP") has filed a *pro se* civil rights action under 42 U.S.C. § 1983, alleging that SQSP prison officials have violated his constitutional rights. Plaintiff's fifth request for an extension of time to file a second amended complaint (Dkt. No. 77) is DENIED for failure to comply with the conditions set forth in the Court's December 20, 2021 Order denying his fourth request for an extension of time to file his second amended complaint (Dkt. No. 70).<sup>1</sup> Any renewed motion for leave to file a second amended complaint must comply with the conditions set forth in Dkt. No. 70 or will be summarily denied.

This order terminates Dkt. No. 77.

**IT IS SO ORDERED.**

Dated: 2/14/2022

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge

<sup>1</sup> The Court instructed Plaintiff that any renewed requests for an extension of time to file a second amended complaint would be denied summarily unless Plaintiff attached a proposed second amended complaint so that the Court can determine whether it would be an exercise in futility to allow amendment and any renewed request must address the following: whether a second amended complaint would cause Defendants undue prejudice or create undue delay and why Plaintiff was unable to file a second amended complaint earlier. *See generally* Dkt. No. 70.